

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CRIMINAL ACTION NO. 5:10-CR-00025-KDB-DCK**

UNITED STATES OF AMERICA,

v.

WILLIAM JAMES MORRISON III,

Defendant.

ORDER

THIS MATTER is before the Court on Defendant's third motion for compassionate release based on the COVID-19 pandemic under 18 U.S.C. § 3582(c)(1)(A). (Doc. No. 104).

Defendant's previous two motions for compassionate release were denied for failure to exhaust his administrative remedies within the Bureau of Prisons (BOP) as required under 18 U.S.C. § 3582(c)(1)(A). Defendant has still failed to exhaust his administrative remedies, but claims that he is unable to because he must attach his denial letter from the warden to any subsequent appeals and his only copy of the warden's denial was sent to this Court in his prior motion. (Doc. No. 101-1, at 3) (claiming he sent the Court the only copy he had of the denial letter containing the warden's signature).

To assist Defendant in his administrative appeals process, the Court will order that the Clerk's Office send Defendant a copy of his original request to the warden along with the warden's denial letter, which are attached to his previous motion. These documents are contained in docket number 102 at pages 9 and 10.

Defendant once again argues that the exhaustion requirement is futile due to his health concerns and the threat posed by COVID-19 at FCI Edgefield. While FCI Edgefield had more

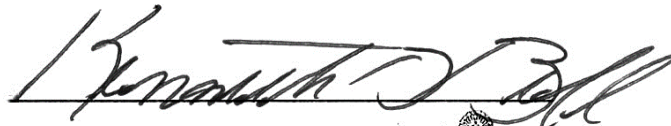
inmates test positive since the Court's last order, there are currently no confirmed active inmate cases at the facility, no deaths have resulted from COVID-19, and all inmates who previously tested positive have appeared to recover. Given these conditions, the Court finds no reason to disturb its prior ruling requiring Defendant to exhaust his administrative remedies within the BOP before petitioning this Court for relief.

IT IS THEREFORE ORDERED that Defendant's motion for compassionate release, (Doc. No. 104), is **DENIED** without prejudice to petition this Court after exhaustion of his administrative remedies.

IT IS FURTHER ORDERED that the Clerk of Court shall send Defendant a copy of his original request to the warden and the warden's denial letter contained in his previous motion, (Doc. No. 102, at 9-10), to assist Defendant in the exhaustion of his administrative remedies.

SO ORDERED.

Signed: September 10, 2020

A handwritten signature in dark ink, appearing to read "Kenneth D. Bell", written over a horizontal line.

Kenneth D. Bell
United States District Judge

